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Chairman: Mr. Wenaweser ..... (Liechtenstein)
later: Mr. Morikawa (Vice-Chairman) ..... (Japan)

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The meeting was called to order at 10.15 a.m.

Agenda item 109: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/57/134, 138, 140, 182, 205 and Add.1, 274, 275, 277, 283, 311 and Add.1, 323, 356, 357, 369, 371, 384, 385, 394 and 446, A/57/458-S/2002/1125, A/57/484; A/C.3/57/7)

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(e) Report of the United Nations High Commissioner for Human Rights (*continued*) (A/57/36 and 446)

1. **Mr. Baali** (Algeria) recalled that the Vienna Convention had reaffirmed the indivisibility, universality and interdependence of not only civil and political rights but also economic, social and cultural rights. He underlined in that regard the importance of the right to development, emphasizing that the achievement of democracy was a complex and long-term process requiring a favourable socio-economic and political environment. He therefore considered it unacceptable to play the human rights card for political or politicking ends or as a means of exerting pressure or as interference, especially as no one was in a position to give lessons to others since there was not a country in the world where human rights were not flouted. In that connection, he expressed the wish that the principles of non-selectivity, impartiality and universality should be scrupulously respected in the context of the project to strengthen the United Nations.

2. He explained that Algeria, which had acquired a new Constitution in 1989 and had ratified almost all the international instruments relating to human rights, possessed democratically elected and pluralistic institutions at all levels of its power structure and had made considerable progress in the promotion and protection of human rights, as the Special Rapporteur of the Commission on Human Rights on freedom of religion or belief had noted during his visit in September 2002. He referred in particular to the ongoing reform of the justice system, which was aimed at strengthening the rule of law and bringing Algeria into line with universally recognized norms and practices, the establishment of an independent public body charged with looking into possible breaches of human rights and taking any action that was appropriate, and the introduction of compulsory human rights courses in the basic school curriculum.

3. Regrettably, at the height of its democratization and economic reform process his country had had to suffer indiscriminate and barbarous terrorist attacks. His country's Government intended to take all necessary measures to combat that phenomenon, the gravity of which should not be underestimated, through discussions of the problem of respect for human rights in the context of the struggle against terrorism.

4. **Ms. Al-Ali** (United Arab Emirates) said that, despite all the efforts made to improve respect for human rights since the inception of the United Nations, the many cases of premeditated murder, collective punishment and terrorism reported in the international media showed the extent to which human rights were subject to massive violations which could have consequences for international security, stability and peace.

5. The various international human rights instruments were not sufficient to put a stop to such violations. Strict measures also had to be taken to remedy problems of a social or human nature which encouraged those human rights violations, such as occupation, racial discrimination, injustice, the displacement of populations and social inequality between the peoples of the developing countries and those of the advanced countries.

6. Responsibility for taking initiatives to resolve such problems rested with the international community, and the authority of such organs as the Security Council, the General Assembly and the Economic and Social Council should be enhanced to enable them to deal with the crises and disputes on their agenda without applying double standards. It was also necessary to strengthen the mechanisms for human rights education and establish a constructive regional and international dialogue that took account of ethnic, religious, cultural and linguistic diversity while increasing untied aid from the developed countries and

other donors to the poor countries so as to enable them to exercise their right to development.

7. In spite of the heavy toll of violations by the Israeli occupation forces of the human rights of the Palestinian people which had been catalogued over the past 55 years by reports, history books and collections of statistics, the situation was still deteriorating. Since September 2000 Israel had been effectively conducting a policy to starve the Palestinian population by imposing a complete blockade on them, bombing and reoccupying their towns and villages, destroying their agricultural land and infrastructure and confiscating their legitimate property and wealth, as had been demonstrated by the operation in the camp at Jenin.

8. Her delegation earnestly requested the international community, and particularly the Security Council, to intervene immediately to ensure the international protection of the Palestinian people and enable them to exercise all their fundamental rights, above all the right to self-determination and to the creation of an independent State with Jerusalem as its capital. All possible pressure must be exerted on the Israeli Government for it to put an end to its massive violations of the human rights of the Palestinian people. It was also necessary to make that Government assume its responsibility for the financial losses and moral suffering inflicted on the Palestinian people as a result of its policies and its occupation, particularly by bringing to justice those responsible for the war crimes that had been committed.

9. The Government was aligning the domestic legislation with the international human rights instruments so that the entire population, including the women, children and elderly and the disadvantaged groups could exercise all their basic rights. Laws had been enacted to enable foreigners to practise their religion so long as it was not incompatible with the cultural and religious identity of the Emirates. In addition, the security agencies and the court system were being strengthened in order to be able to enforce the law and to protect the most vulnerable.

10. In conclusion, she reaffirmed that the protection of human rights went hand in hand with the maintenance of international peace and security and global economic and social stability. To be successful in that regard, the focus must be on five areas: respect for the sovereignty and territorial integrity of States and their political, cultural and ideological diversity; non-interference in the internal affairs of developing countries through the protection of human rights; an approach which did not adopt a double standard in judging human rights violations; the strengthening of international systems and legislations with a view to combating denigration campaigns against certain religions, races and cultures, in particular Islam and the Muslims; and the reinforcement of international legal bodies, especially the International Criminal Court.

11. **Mr. Al-Sulaiti** (Bahrain), speaking on agenda item 109 (b), said that Bahrain was implementing its Constitution on the basis of the provisions of the National Action Charter adopted in 2000, especially those which dealt with human rights, were based on Islam and recognized freedom of expression.

12. Pursuant to that Charter, city councils had been elected in May 2002 and legislative elections had been held at the end of October 2002, evidencing the speed with which democratization was moving forward.

13. Mention must be made of the role played by the sovereign, who had been insistent that women should be accorded political rights, including the right to elect and be elected. Women and also representatives of the Christian and Jewish religious minorities had been appointed to the Shura Council. Convinced of the importance of the dialogue designed to bring peoples and religions closer together, Bahrain had hosted the Muslim-Christian Dialogue Conference at the end of October 2002.

14. He was proud to be able to say that there were no political prisoners in Bahrain and that the leaders were trying to make Bahrain a truly democratic constitutional kingdom where everyone enjoyed freedom of opinion and expression.

15. At the international level Bahrain, which had been elected a member of the Commission on Human Rights in 2001, was continuing its cooperation with the Office of the High Commissioner for Human Rights. Mary Robinson, who had visited Bahrain during the past year, had commended its progress in the field of human rights. Bahrain was also pursuing its cooperation with non-governmental organizations, such as Amnesty International, which were able to visit the Kingdom to study the human rights situation first-hand.

16. **Mr. Abulgasim** (Sudan) said that his Government believed that human rights were universal and indivisible and that the international community should

monitor the human rights situation everywhere. It also believed that monitoring the domestic human rights situation was equally important.

17. The Sudan had adopted a number of legislative measures to translate into reality the rights and freedoms stipulated in its Constitution, including the right to establish political organizations. It had received the visits of the Special Rapporteur on the situation of human rights in the Sudan, a mission from the Office of the High Commissioner for Human Rights and the Special Representative of the Secretary-General for Children and Armed Conflict. In the search for a peaceful solution to the problems in the southern part of the country, in July 2002 the parties to the conflict had signed a framework agreement which should lead to a final peace agreement. The Government requested the international community to support the peace talks between the two parties in order to put an end to the conflict and the human rights violations stemming therefrom.

18. The Vienna Declaration and Programme of Action had reiterated that human rights were indivisible, including the right to development, which should receive particular attention from the international community. The Declaration and Programme of Action also emphasized that no country should use food aid as a political weapon, as some States were in the habit of doing. Unilaterally imposed economic sanctions had seriously undermined the rights of citizens, especially the right to life and development, in many developing countries, including the Sudan. According to the report of the Special Rapporteur on the right to food, 815 million people suffered from hunger and malnutrition in the world, mostly in the developing countries. In Africa, those scourges afflicted 33 per cent of the children.

19. The international community must resolutely protect and promote human rights and must on no account allow that noble aim to be manipulated for political ends.

20. Cultural differences must be respected and no culture should impose its values on others, in order to ensure that the protection of human rights was not used as a pretext for exerting political pressure.

21. **Mrs. Costa** (United States of America), referring to agenda item 109 (c), said that her Government, which was committed to cooperating with Governments, international organizations, non-governmental groups and individuals to encourage democracy and strengthen the rule of law, welcomed the progress accomplished in some parts of the world. In Afghanistan, for example, where it was assisting the transitional Government in its efforts, girls had been given access to education and women had been permitted to re-enter the workforce. Her Government welcomed the ongoing democratic reform process in Bahrain, particularly the free and fair municipal and parliamentary elections that had been held, the provisions to ensure women's fundamental rights in the new Constitution, and the adoption of a new law on trade unions. She expressed satisfaction at a noticeable improvement of the situation in Qatar, particularly with the parliamentary elections that were to take place soon, the expanded access to education, the increased economic transparency and competition, the modernization of labour laws, the greater freedom of the press, and the development of democratic institutions. She also expressed gratification at the establishment in Morocco of a tribunal to award compensation to victims of human rights abuses under King Hassan II and at the highly satisfactory organization of recent parliamentary elections which had resulted in five major political tendencies being represented in the legislature and a significant increase in the number of female deputies. Timor-Leste had recently become a nation after decades of struggle and was facing the challenge of developing, with the help of the international community, a sustainable economy and a democratic system of government, while ensuring, together with Indonesia, that those who had committed crimes against humanity in the past would be held accountable. With regard to Sri Lanka, she noted some improvement in the human rights situation and expressed the hope that the ongoing peace process would bear fruit. Her Government was encouraged by the recent agreement on technical cooperation signed between Mexico and the United Nations, which allowed for an examination of the issue of torture, by the release of ecologists Rodolfo Montiel and Teodoro Cabrero from prison on humanitarian grounds, by the sentence reduction for General Gallardo, and by the appointment of a special prosecutor to investigate cases of disappearances during Mexico's "Dirty War". She welcomed the advent of democracy in Ghana and the efforts put forth by the new Government. She also welcomed the progress accomplished in respect of human rights in Senegal, particularly the Government's

resolve in bringing individuals responsible for torture and other forms of violence to justice.

22. On the other hand, her Government regretted that there remained countries where human rights abuses continued unabated. This applied in particular to Iraq, where the ruling regime still resorted to fear, torture and arbitrary execution, restricted freedom of religion, opinion and speech, and completely controlled the media. She also expressed concern over the deteriorating situation in Iran, where the number of public executions, stonings and other punishments, such as lashings and amputations, were on the rise. She deplored the lack of freedom of the press, the imprisonment of journalists and students by the Government, the impunity for special security forces employed to intimidate the public, particularly the youth, and the precarious situation of the Baha'i community. She approved however the release of eleven Jews on parole, even though the charges of involvement in a "Zionist conspiracy", which had been brought against them, had not been dropped. The situation in the Democratic People's Republic of Korea remained shocking: oppression of entire classes of people on the basis of perceived disloyalty to the regime, terrible conditions of imprisonment, and repression of all forms of expression, assembly and belief. As to Cuba, it remained a totalitarian State in which the Castro Government continued to maintain tight surveillance of opponents to the regime, restrict freedom of religion and refuse exit permits to qualified legal migrants. In Belarus, there had been little progress in punishing those responsible for the disappearances of three opposition figures and a journalist, a grossly repressive religion law had been adopted on 31 October 2002, and President Lukashenko had failed to carry out any of the democratic reforms demanded by the Organization for Security and Cooperation in Europe (OSCE) and other international organizations. Ukraine should conduct a transparent, independent investigation of the circumstances surrounding the disappearance and murder of journalists Heorhiy Gongadze and Ihor Aleksandro and the disappearance of Olexander Olinyk, and hold those individuals found responsible accountable for their actions. Concerning Chechnya, she said that the United States supported the territorial integrity of the Russian Federation and condemned the terrorist acts committed by Chechen separatists, including the recent acts in Moscow, while encouraging the Russian authorities to investigate reports of human rights violations by Russian security forces and hold accountable all individuals responsible. Concerning Burma, the United States Government was disappointed by the lack of progress in the dialogue between Aung Sang Suu Kyi and the State Peace and Development Council (SPDC), whose commitment to political transition remained in serious doubt, and was concerned over the number of political prisoners and the human rights abuses, including forced labour, torture and rape. She stressed that the March presidential election in Zimbabwe had been neither free nor fair and its outcome did not reflect the will of the people. Well over 100 opposition supporters had been killed since June 2000, and the Government continued to resort to violence, repressive legislation, arbitrary arrests, rape, and the use of food as a political weapon to silence all opposition. She expressed the hope that the December 2002 elections in Equatorial Guinea would be free and fair and concern over reports that prison authorities tortured and abused prisoners, many of whom apparently had been arrested solely on account of their ethnic origin. Lastly, action taken in the People's Republic of China by the Government against persons or groups it viewed as threatening to governmental authority, human rights abuses in Tibet, controls on Uighur Muslims, and crackdowns on unofficial or unregistered churches, particularly the Falun Gong, some 200 members of which had possibly died in custody, showed that progress in human rights was not keeping pace with economic advances.

23. Given those facts, the international community should make clear that it would not tolerate practices running counter to human rights and should stand behind those countries which, on the contrary, were making a real effort to protect human rights.

24. **Mr. Slabý** (Czech Republic), referring to agenda item 109 (b), said that much remained to be done to achieve full protection of the rights of persons with disabilities. He noted that the Czech Republic had developed a national plan in 1998 based on the Standard Rules on the Equalization of Opportunities for Persons with Disabilities, and had already begun to implement the principles set forth in the supplement to the Standard Rules. As a member of the Commission for Social Development, his Government would support efforts to ensure the earliest possible adoption and global recognition of that supplement.

25. His Government associated itself with the position adopted by the European Union and, like

many participants in the first session of the Ad Hoc Committee, believed that the question of a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities should be considered. A legally binding international instrument with a monitoring mechanism might help Governments to speed up the process of capacity-building and improvement of their legal systems to guarantee the achievement of the fundamental rights of persons with disabilities.

26. His delegation was aware of the enormous obstacles that had to be overcome to harmonize the protection of the fundamental rights of persons with mental disabilities with the protection of their health and that of the people closest to them. Finding a legal language that maintained the fragile balance between human rights and fundamental freedoms, on the one hand, and civic responsibilities, on the other, was a sensitive task. Moreover, once the ideal language was found, the States parties to the new legal instrument might need years, and even decades, to translate it into specific measures. His Government was nevertheless determined to start the process in the hope of achieving good results as soon as possible. The very first step would be the adoption by the General Assembly of the agreed framework for the future work of the Ad Hoc Committee.

27. *Mr. Morikawa (Japan), Vice-Chairman, took the Chair.*

28. **Mr. Kim** Chang Guk (Democratic People's Republic of Korea) said that a country deprived of its sovereignty would eventually fail to provide its people with fundamental freedoms and rights, and that no State, large or small, had the right to infringe on that sovereignty on the pretext of combating terrorism. Military actions that spilled over to areas with civilian populations, the mistreatment of prisoners of war in defiance of the Geneva Conventions, restraining or violating fundamental freedoms and rights and persistent attempts to overturn a particular regime could in no circumstances be justified. Confrontations between countries or groups of countries in the field of human rights stemmed from unfair and inequitable international relations and double standards with regard to human rights policies.

29. All nations had the right freely to choose their own economic and political systems, and it was unacceptable for any one country, or group of countries, to present its civilization as the universal standard for human rights. In that regard, it was regrettable that some countries, relying only on their political, economic or military power, were acting as judges at meetings of United Nations bodies and other human rights forums and criticizing other countries on their human rights situation simply because those countries were not partners or allies and because they refused to give up the political system they had chosen.

30. He hoped that the international community would consider the right to development a priority in order to promote the right to life of hundreds of millions of people suffering from poverty and to create an equitable international political and economic order for the prosperity of peoples throughout the world.

31. In accordance with the *juche* philosophy, his Government guaranteed the full exercise of human rights, including fundamental political freedoms and rights and the right to employment, well-being, education and health care; the people were proud of their choices. His Government had recently affirmed its commitment to fulfilling its obligations under international human rights conventions and to enhance its cooperation in the field of human rights.

32. **Ms. Boiko** (Ukraine), referring to agenda items 109 (b) and (e), recalled the profound feeling of insecurity caused by the attacks of 11 September 2001, which had been underscored by the attacks in Bali and, more recently, by the hostage-taking crisis in Moscow, and said that the main question today was how to safeguard the fundamental and inalienable right of every person to life.

33. Terrorism must be combated in all its forms through not only the necessary legislative and security measures but also the promotion of universal rights, the primacy of the rule of law, social justice and democracy. In that regard, the United Nations provided a unique institutional framework. The Commission on Human Rights, which had a key role to play, must operate with the highest possible level of integrity, credibility and effectiveness. As a member of the Commission on Human Rights from 2003 to 2005, her Government stood ready to cooperate with other members and all States to overcome existing difficulties and to address adequately the most vital issues related to human rights.

34. The importance of the role of national institutions in the promotion of human rights was increasingly

widely understood. The establishment or enhancement of national protection systems should therefore be a principal objective of the United Nations. Her delegation highly appreciated the work of the Office of the High Commissioner for Human Rights and supported the Secretary-General's proposals on strengthening United Nations human rights activities at the national level. Her Government, which was shaping a course towards European and Atlantic integration, did its utmost to ensure the pre-eminence of the rule of law and to create the conditions for economic growth and democracy.

35. As a nation that had lived many years under a totalitarian regime, Ukraine shared the view that nations had a right to know the truth about their past in order to avoid any recurrence of human rights violations. Ukraine would shortly be commemorating the seventieth anniversary of the famine induced by the totalitarian regime of the time, which had taken the lives of over 7 million Ukrainians in 1932 and 1933, and she deplored the fact that the international community had failed to respond to what had been a brutal act of genocide. The lessons of the past proved that such tragedies often originated in intolerance and hatred and in the denial of people's right to freedom of opinion. The President of Ukraine had, in March 2002, issued a decree aimed at the restoration of justice; the protection of the rights and interests of religious organizations and their continued moral and political rehabilitation; the improvement of relationships on the basis of religious and ideological tolerance; and the creation of conditions favourable to the affirmation of freedom of conscience.

36. In connection with the statement by the representative of the United States, which had referred to unresolved cases of murder and disappearance in Ukraine, she said that the Ukrainian authorities had conducted appropriate investigations into all cases of murder or disappearance. With regard to the case of the journalist Georgiy Gongadze, she said that there had been an extremely transparent investigation, in which experts from countries including the United States, Australia, the Netherlands and Germany, had been involved. In May 2002, the Working Group on Enforced or Involuntary Disappearances of the Commission on Human Rights had reached the conclusion that the Gongadze case had been satisfactorily cleared up. The Director of the Federal Bureau of Investigation, indeed, had responded positively to the request for assistance addressed to him by the Office of the Attorney-General of Ukraine. The case was, however, so difficult that it was impossible to determine a precise time frame for its complete resolution.

37. **Archbishop Martino** (Observer for the Holy See) said, with reference to agenda item 109 (b), that the Holy See was especially concerned by the persistence of discriminatory and intolerant policies pursued with regard to minorities in States that had an official religion. Persecution on ethnic or religious grounds and the blatant disregard and disrespect for churches, religious shrines or sites were also a matter of concern.

38. The right to life, the right to freedom of religion or belief and respect for religious and cultural heritage were the basic premises for human existence. It was regrettable that, in many countries, the right to gather for worship was still either suppressed or limited to the members of a single religion, or else religious belief was denigrated in the name of "modern thought".

39. His delegation reaffirmed its conviction that the recourse to violence in the name of religious belief was a perversion of the teachings of the major religions. Differences between religious traditions must be accepted and respected; religious tolerance must be based on the conviction that God wished to be adored by people who were free. Lastly, he said that, where intolerance led to civil strife and war, there was a need for mutual forgiveness.

40. **Ms. Ouedraogo** (Burkina Faso) said, with reference to agenda item 109 (b) and (c), that the Constitution adopted by referendum on 2 June 1991 had set in motion the process of conversion to a State governed by the rule of law in Burkina Faso, enshrining as it did the principal civil and political rights, as well as fundamental freedoms and the basic economic and social rights. Burkina Faso had made considerable progress in the promotion and protection of human rights. At the social level, a growing number of people had called for an improvement in the human rights situation. At the political level, she noted that, despite the social, political and ethical crisis in the country, measures had been introduced with a view to establishing a social climate conducive to the realization and promotion of human rights. The measures included the appointment of an independent international commission of enquiry; the establishment

of the College of Sages; and the creation of a commission of national reconciliation, together with a committee to implement its recommendations. At the institutional level, a ministry of human rights had recently been established, with the task of ensuring the implementation and follow-up of government policy on human rights. The ministry was also responsible for implementing legislation to promote, consolidate and protect the rights of certain categories of the population, including women, children, disabled people and the elderly. An action and orientation plan had been developed to that end, which would include operational programmes carried out in collaboration with various partners, including human rights organizations.

41. Taking its cue from the Paris Principles, Burkina Faso had set up a national human rights commission, which had demonstrated its independence, its broad powers and range of its responsibilities. The commission represented both a new institution for the protection and promotion of human rights and a permanent framework that would facilitate dialogue and consultation. It would undoubtedly be turning to the Office of the High Commissioner for Human Rights for technical assistance.

42. Concerning the process of developing a coherent strategy in the field of human rights in Africa, her delegation wanted such a strategy to be strengthened and its implementation made speedier in order to allay the tensions that were setting the continent ablaze. Burkina Faso was concerned about the numerous cases of mass violations of the human rights of certain African populations by countries in Africa which treated them as foreign populations. Following the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the creation of the African Union, such tragedies were unacceptable. Burkina Faso hoped that the establishment of the office of the High Commissioner to the African Union and of regional offices would mean that human rights issues could be better incorporated in the Union's activities and programmes.

43. As for respect for and promotion of cultural diversity, which was the foundation of a culture of peace and tolerance, Burkina Faso was organizing various cultural and artistic activities at local, national and international levels. In the context of implementation of the Plan of Action for the United Nations Decade for Human Rights Education, Burkina Faso was planning to launch a widespread campaign of information and awareness-raising concerning human rights questions in the national languages and to translate national legislative instruments and international instruments into the national languages. Burkina Faso was also planning to incorporate the teaching of human rights in the country's education system, and welcomed the revised edition of the United Nations document on human rights education at the primary and secondary levels. Her delegation regarded it as an opportune moment for exchanging, selecting and promoting best practices in that area.

44. Despite the efforts of the international community, much remained to be done before the right to development was a reality. The Working Group on the Right to Development must therefore continue to give consideration to the establishment of a follow-up mechanism. In the interim, the requisite steps should be taken to combat any practice that might hinder achievement of that right. Burkina Faso welcomed the efforts of the High Commissioner to examine the place of human rights and the participation of women in the context of the New Partnership for Africa's Development (NEPAD), as well as the practical aspects of implementing that process. It offered its encouragement to the High Commissioner in strengthening the capacities of his partners operating in the context of NEPAD.

45. Underlining the fact that it was at the local and national levels that human rights were both violated and protected and that efforts would be best aimed at putting an end to such violations, she said that Burkina Faso shared the High Commissioner's view that the emphasis should be put on developing and strengthening national systems of protection in the framework of international cooperation and technical assistance to the developing countries.

46. **Ms. Liepiņa** (Latvia), referring to agenda item 109 (b), said that her country had instituted a national programme for the integration of society which had achieved a notable degree of success and could serve as a model for other States. After fifty years of foreign occupation, the Latvian Government was seeking to build a modern democratic society based on tolerance and respect for Latvia's different ethnic and social groups and minorities, the participation of civil society, the rule of law and human rights.

47. Regional arrangements for the protection and promotion of human rights were, as the Secretary-General had stated in his report on the subject, of the utmost importance. Latvia, which was fully in favour of a human rights culture, cooperated in the matter with many international and regional organizations. She reiterated a standing invitation her country had made to all the special rapporteurs of the Commission on Human Rights to visit Latvia.

48. **Mr. Alaei** (Islamic Republic of Iran), speaking on agenda item 109 (b), said that the protection of cultural diversity, which was frequently linked with the basic concepts of respect for human rights, empowerment, inclusion, tolerance and self-determination, took place within a conceptual framework. Human rights were not the prerogative of any one culture: they were at the heart of an intercultural consensus on basic normative standards that were applicable to increasingly multicultural societies and that gave room for very different interpretations. The Islamic Republic of Iran was attached to cultural diversity not so as to defend the fallacious thesis of the relativity of human rights as a function of each culture but to prevent advances towards a global homogeneity of culture, which was not desirable.

49. His delegation believed that studying the evolution of past cultures and civilizations which had interacted with one another clearly showed that when two different cultures came into contact and, while preserving their own characteristics, opted for cultural interaction in a process of mutual enrichment, they had survived and prospered. On the other hand, when two cultures entered into competition and sought to dominate one another, the result was nothing but conflict and violence, and in some cases the decline and annihilation of the conquering culture. Globalization sought to generate cultural uniformity on a global scale, which States must combat. In so doing, they had to recognize that cultural diversity was an asset and a source of mutual enrichment, they had to promote tolerance and dialogue between the different cultures and religions, they had to denounce stereotyping and the demonization of certain cultures and religions by the media and they had to discourage attempts by some cultures to impose their own values on others with the aid of the new tools generated by globalization.

50. **Mr. Requeijo Gual** (Cuba), speaking on sub-items (b) and (e) of agenda item 109, deplored the fact that the aims proclaimed in the preamble to the Charter of the United Nations remained a pipe dream for most of the inhabitants of the planet. The peoples of the third world were held hostage to their external debt and were the victims of an iniquitous world order.

51. His delegation was concerned about the trend towards weakening the functions of the Commission on Human Rights and about the greater politicization of that body, resulting from the increase in bloc voting by groups of Member States and the tendency systematically to renounce any action in the absence of a consensus. That politicization had been imposed by the developed countries, which had favoured the promotion of civil and political rights to the detriment of economic, social and cultural rights, including the right to development, an approach that was not aimed at promoting cooperation.

52. There was no single model of social organization and industrial societies did not show themselves to be any fairer or more equitable than other societies. Democracy and universality could be based only on genuine respect for the right of a people to adopt the political, economic and social organization which seemed to it most appropriate, without outside interference.

53. In that connection, his delegation denounced the interference by the United States in Cuba's internal affairs, an interference that was all the more inadmissible in that the election of the current United States President had been tainted with electoral fraud, the recent mid-term elections had been characterized by a massive number of abstentions, and a succession of scandals had culminated in the resignation of the person responsible for combating corruption.

54. The countries of the North and of the South were faced with the same problems and the same restrictions. The fight against terrorism, which mobilized the international community, should not give rise to new instruments of discrimination, intolerance and repression which would only create a spiral of violence. It should not be used as a pretext for the imposition of greater restrictions on the freedom of opinion and expression of associations, organizations or individuals that denounced the devastating effects of the neo-liberal capitalist model.

55. Cuba, which required no State to renounce its own opinion just as it would in no case renounce its own freedom of opinion, was fully disposed to

cooperate in the defence of human rights, since it was convinced that social justice, equity and solidarity formed the basis of the protection and defence of the universal rights of man.

56. **Mr. Yagob** (Libyan Arab Jamahiriya), speaking on agenda item 109 (b), said that the process of rapid globalization had led to an upsurge in violations of human rights, particularly economic, social and cultural rights, as was shown by the increase in poverty and social exclusion. Globalization had also widened the gap between the industrialized countries and the developing countries. The United Nations should endeavour to persuade the developed countries to increase their aid to sustainable development programmes as part of the campaign against poverty.

57. Globalization should also not signify the disappearance of cultural differences; that might promote violence and extremism. Respect for cultural differences could only promote tolerance and social peace. The United Nations, too, had a role to play in that area by working towards the realization of the main goal with regard to human rights, namely the promotion of respect for all rights within the framework of international cooperation and taking into account the specific features of each country.

58. It was unfortunate that some United Nations organs responsible for human rights systematically blacklisted the developing countries without ever condemning violations of human rights in the developed countries. The application of unilateral coercive measures, which was on the agenda of the Third Committee, was a flagrant violation of the principles of international law, the Charter of the United Nations and the rules of international trade and entailed serious consequences for the peoples subjected to them, particularly the most disadvantaged groups. Despite the position of the international community expressed in many resolutions adopted by the United Nations General Assembly and regional organizations, some countries continued to apply that type of measure, in disregard of the will of the international community.

59. It was impossible to speak of human rights and respect for those rights without mentioning the tragic situation of the Palestinian people. Dozens of children, women and old people were assassinated daily by the Israeli occupation forces openly and publicly without any voice being raised to denounce that situation, especially among those who proclaimed themselves defenders of human rights. He strongly condemned the violations of the rights of the Palestinian people and invited all countries to do likewise.

60. **Ms. Rødsmoen** (Norway) said that, although respect for human rights, fundamental freedoms, the rule of law, and democracy were values shared by all, they were of little worth if they did not lead to concrete results for the individual. The international community had a duty to protect persons whose rights were not respected and to draw attention to human rights violations — which was what the special rapporteurs and representatives did.

61. She reviewed a number of countries whose human rights situation remained worrying, beginning with Iraq, where extrajudicial killings, torture, cruel and degrading treatment, and lack of security and freedom of expression persisted. Norway implored the Government of Iraq to initiate the necessary reforms for improving the living conditions of the Iraqi people and to cooperate with the United Nations in all respects. Although the situation in the Middle East remained worrying (use of the death penalty, and insufficient respect for human rights), her delegation was pleased to see the steps taken towards democratization in Bahrain and Qatar. It also welcomed the efforts of the Islamic Republic of Iran to promote the rule of law but was nevertheless concerned about the administration of justice in that country, the restriction of the freedom of expression and the lack of respect for the fundamental rights of religious minorities such as the Baha'is.

62. The continuing conflict in Sudan produced frequent violations of human rights. However, the Machakos Protocol signed in July 2002 gave some grounds for optimism. Norway urged the parties to the conflict to continue the negotiations with a view to reaching a settlement before the end of the year. With regard to the peace process between Eritrea and Ethiopia, Norway welcomed the demarcation of the border between the two countries and the release of Ethiopian prisoners of war, and it urged Ethiopia to follow up on its obligations in that regard. The human rights situation in both countries remained worrying, in particular with respect to the measures taken against dissent and to the arbitrary detention of politicians and journalists. The erosion of respect for human rights and the rule of law in Zimbabwe was a source of deep concern, as was the systematic use of violence, which

was increasingly widespread. Despite the progress made in the talks conducted in the framework of the inter-Congolese dialogue, the humanitarian situation continued to deteriorate in the Democratic Republic of the Congo, with persisting grave violations of human rights.

63. The constructive human rights dialogue established with China was welcome and much had been achieved, but China's treatment of prisoners remained worrying, as did its restriction of the freedoms of speech, religion and association and the use of the death penalty. Norway also attached great importance to the preservation of the culture and the religious identity of the Tibetan people.

64. No progress had been made in the peace process in Colombia over the past year, and Norway deplored the suffering brought upon the civilian population. There seemed to have been no improvement with regard to civil and political rights in Cuba. Human rights activists continued to be harassed, and the restrictions on the freedoms of expression and association remained in place.

65. With regard to the fight against terrorism, the five States of Central Asia had demonstrated that they wished to take an active part in the international coalition against terrorism. But the human rights situation in some of the States of the region was a source of concern. Norway therefore appealed to those States fully to live up to the human rights commitments which they had undertaken as members of international organizations, including the Organization for Security and Cooperation in Europe.

66. The humanitarian and human rights situation in Chechnya and the northern Caucasus was alarming. It must be stressed that a solution to the tragic conflict in Chechnya could be found only through political means. The Norwegian delegation was glad that the Taliban regime had ended in Afghanistan and had welcomed the successful Loya Jirga in June and the return of girls to school, but it was nevertheless worried about the ethnic-based persecution, especially in northern Afghanistan, and about the situation of women. The establishment of a truly democratic culture in Afghanistan would require the unconditional support of the Afghan Transitional Authority for the recently created human rights and judicial commissions.

67. Although progress had been made in Cambodia, Norway continued to regret the lack of a functioning and independent judiciary. It welcomed Cambodia's ratification of the Statute of the International Criminal Court and hoped that the Government would resume the negotiations with the United Nations on a Khmer Rouge tribunal which met international standards of justice. Her delegation welcomed the release of Daw Aung San Suu Kyi in Myanmar but regretted the lack of progress towards national reconciliation. It was extremely concerned about the continuing human rights violations in Myanmar and appealed to the State Peace and Development Council (SPDC) to address the needs of the people and move the country towards democracy and good governance.

68. **Ms. Pulido Santana** (Venezuela) welcomed the significant attention which the new High Commissioner for Human Rights had given to the need to recognize cultural diversity, strengthen national human rights institutions and promote the rule of law, an essential requirement for enhanced protection and guarantees of fundamental human rights. Her delegation, noting with satisfaction that the right to development was considered a priority area for action, intended to actively participate at the multilateral level in the search for new ways of combating hunger and poverty, two major obstacles to the exercise of fundamental human rights. That was precisely the approach that Venezuela had adopted within the framework of the Working Group on the Right to Development, in Geneva.

69. She expressed concern, however, at the selective use of human rights defence mechanisms that were likely to cause increased politicization of human rights. She affirmed her Government's commitment to the basic principle of guaranteeing respect for human rights. In that regard, the promotion, protection and defence of those rights was a fundamental political goal to which her Government attached the highest priority. Those principles lay at the heart of the current debate in Venezuela.

70. Her delegation, convinced that terrorism must be eradicated, attached particular importance to the elimination of the causes of conflict, including marginalization, poverty, hunger, social inequality as well as intolerance and discrimination based on political or religious affiliation, race, or belief. There was a need to take full account of human rights in the relentless campaign that the international community was waging against terrorism.

71. Venezuela had incorporated all the human rights norms adopted by the international community into its domestic legal system and had agreed to abide by the rulings of such judicial organs as the International Criminal Court. Her Government would shortly defend its second updated report on implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and was involved in the development of the draft optional protocol to the Convention. With respect to article 4 of that protocol, relating to the practice of standing invitations, visits should be organized with the host State.

72. She noted the adoption by the Andean Community of the Andean Charter for the Promotion and Protection of Human Rights (A/C.3/57/2, annex) during the special meeting of the Andean Presidential Council held on 26 July 2002 in Guayaquil, Ecuador. The adoption of that new regional instrument, which should enable the Andean countries to assist vulnerable populations who were not protected by the existing instruments, was an important stage in the process of political integration, on which the countries of the Andean Community had set their sights.

73. **Mr. Belinga-Eboutou** (Cameroon) noted that wars were born in the hearts of men and that it was therefore in the hearts and minds of men that the seeds of peace must be sown. In that regard, he welcomed the substantial progress made in the promotion and protection of freedoms and human rights and the fact that most States were parties to the relevant international legal instruments. He emphasized the importance of teaching human rights and hoped that the High Commissioner for Human Rights would step up technical assistance to States for the implementation of national education plans in that field. Cameroon, for its part, was currently developing a similar plan and, pending its implementation, had introduced human rights instruction into the training programmes of its armed forces, judges and prison administration personnel as well as into secondary and higher education curricula. His Government was also striving, through the press, to raise awareness about human rights among all sectors of society. It was also cooperating with various United Nations entities concerned with human rights and hosting the Subregional Centre for Human Rights and Democracy in Central Africa.

74. **Mr. Simbolon** (Indonesia) noted that, despite the fact that Indonesia had been undergoing a fundamental transformation of its political system and was struggling to recover from a severe economic crisis, it was gradually establishing the institutions necessary to promote and protect human rights. Human rights were undeniably a high priority area for his Government, which was preparing a second five-year plan of action on human rights for 2003-2008. To implement that plan, his Government would continue to cooperate with its international partners at both bilateral and multilateral levels.

75. Referring to paragraphs 4 and 5 of the interim report of the High Commissioner for Human Rights on the human rights situation in Timor-Leste (A/57/446), he regretted that the Office of the High Commissioner had been unable to provide technical cooperation to Indonesia, given that the training of judges, prosecutors and defence counsels was vital to further improving its judicial system. Indonesia would not fail, however, to bring alleged human rights abusers to justice. His Government was also ready to resume its cooperation with the Office of the High Commissioner provided that such cooperation was not politicized and did not involve conditions. In that respect, he was relying on the impartiality, objectivity and fairness of the new Commissioner, Mr. Vieira de Mello.

76. His country had received numerous visits from high-level United Nations human rights officials and experts. He was aware, however, that some special rapporteurs had been unable to visit Indonesia largely because the Government was having to deal with other pressing political and economic issues.

77. **Mr. Schurti** (Liechtenstein), referring to agenda item 109 (b), noted that the hope of entering the era of the primacy of the rule of law had receded lately.

78. To affirm that terrorists violated human rights was implicitly to elevate them to a legal status equal to that of States. Indeed, States were responsible for the implementation of human rights and must be held accountable for human rights violations. If the perpetrators of violent acts against civilians were not, by definition, in a position to violate human rights, they might indirectly achieve their goals by weakening States' resolve to protect human rights, as recent events had shown.

79. The actions taken by States, the international community and Government officials to maintain peace

and security must be fully consonant with international human rights law, humanitarian law, refugee law and criminal law. The rule of law in an international context involved compliance with those bodies of law. At the national level, the rule of law was inadequate unless it was anchored in international law.

80. In July 2001, the Human Rights Committee had adopted general comment No. 29, recalling the central provisions of the International Covenant on Civil and Political Rights and providing a guideline on the extent to which human rights could be limited in times of emergency without being violated. The Covenant defined a number of rights which could not be derogated from, including the right to life and freedom of thought and the right not to be subjected to cruel, inhuman or degrading treatment. He noted with concern, however, that anti-terrorism efforts had imperilled those rights. The rights of detainees were being restricted. The right to life had been jeopardized by a rather casual acceptance of so-called collateral damage. Racial profiling ran counter to non-discrimination, and freedom of expression and the right to privacy had been violated.

81. His delegation was encouraged by the fact that the Counter-Terrorism Committee had heard statements by the High Commissioner for Human Rights on the mainstreaming of human rights throughout the United Nations system. He commended his efforts, particularly in areas such as the fight against terrorism, peacemaking, peacekeeping and peace-building. He also welcomed the establishment of a rule of law and democracy team within the Office of the High Commissioner for Human Rights.

82. States should not be tempted to neglect the rule of law in their efforts to combat terrorism. The most forceful action against terrorism was action that prevented future violence. One of the first steps to be taken was to avoid impunity. In that regard, the International Criminal Court had a role to play. Terrorism thrived where human rights were violated and the rule of law was abandoned.

The meeting rose at 1 p.m.